

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

Johnny Wilder

Plaintiff,

vs.

Stratosphere Quality, LLC and Anthony Graves,

Defendants.

Civil Action No.:

**NOTICE OF REMOVAL ON BEHALF OF
DEFENDANTS**

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. § 1446, Defendant Stratosphere Quality, LLC hereby removes to this Court the state court action described below.

1. On November 25, 2013, the above-captioned action was commenced in the Court of Common Pleas for Orangeburg County by the Plaintiff to recover monetary damages from this Defendant, and an amended complaint was filed on December 3, 2013, seeking the same damages.

2. Defendant Stratosphere Quality, LLC was served with the amended summons and complaint on or about December 18, 2013. This Notice is timely.

3. A copy of all process, pleadings and orders served upon the Defendants in the state court action are attached hereto as Exhibit A.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441 in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because

Plaintiff alleges personal injury actions against the Defendants and seeks actual damages, including but not limited to ambulance bills, hospital bills, physicians' bills, lost wages, future earnings and punitive damages for alleged permanent injuries related to an industrial accident involving two forklifts.

5. Defendants are informed and believe that plaintiff, Johnny Wilder is a resident of Warrenton County, Georgia. Defendant Stratosphere Quality, LLC were, at the time of the filing of this action, and still are, a corporation incorporated under the laws of the State of Indiana, having its principal place of business in the State of Indiana.

6. Defendants submit this Notice of Removal without waiving any defenses to the claims asserted by the Plaintiff and without conceding that the Plaintiff has standing or has pled claims upon which relief can be granted.

7. The attorney of record for the Defendants signs this Notice of Removal pursuant to Rule 11, *FRCP*.

WHEREFORE, Defendants pray this Court accept this Notice of Removal which is being filed and that this Court take jurisdiction of the above-captioned action and that all further proceedings in the Court of Common Pleas for Orangeburg County, State of South Carolina bearing Civil Action No. 2013-CP-38-01383 be stayed.

(signature page to follow)

Respectfully Submitted,

s/Bradford W. Cranshaw

BRADFORD W. CRANSHAW

(Fed. Id. No. 9733)

Gregory B. Collins (Fed. Id. No. 10350)

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ATTORNEY FOR DEFENDANTS

January 16, 2014.